

Doc Code: **PTO/SB/33 (07-05)**Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		20-570	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number	Filed	
	09/709,487	NOVEMBER 13, 00	
	First Named Inventor		
	BONEFAS		
	Art Unit	Examiner	
	2155	BRUCKHART, B.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 36,457 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>5</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/709,487

Filed: November 13, 2000

Group Art Unit: 2155

Examiner: Bruckart, B.

Atty Docket No.: 20-570

In re Patent Application of:

**BONEFAS**

Title: **METHOD AND SYSTEM FOR DEPLOYING CONTENT TO WIRELESS DEVICES**

October 16, 2006

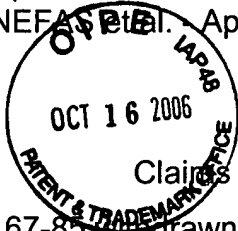
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Office Action dated June 15, 2006 and the Advisory Action dated September 21, 2006, please enter the following remarks in the subject application:

The Examiner continues to frustrate the Applicants with a rejection that relies on prior art that simply fails to show the claimed features, combines features from the prior art without consideration for their use within the cited prior art, combines elements from the prior art to recreate the claimed features without suggestion within the cited prior art and provides improper motivation to combine the cited references.



### REMARKS

Claims 1-90 remain pending in the application, with claims 31-55 and 67-85 withdrawn from consideration because of a Restriction Requirement.

#### Claims 1-6, 8-17, 23-27, 30, 56-66 and 86 over Jamtgaard in view of Allen

In the Office Action, claims 1-6, 8-17, 23-27, 30, 56-66 and 86 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,430,624 to Jamtgaard et al. ("Jamtgaard") in view of U.S. Patent No. 6,877,095 to Allen ("Allen"). The Applicants respectfully traverse the rejection.

Claims 1-6, 8-17, 23-27, 30, 56-66 and 86 recite a system and method of session managing to examine data content communicated between a device and a content provider and to identify and return state-based information based on interactions between the devices and said content provider, the state based information comprising at least one of a type of device originating a request, a hypertext history and a content provider state maintained for a back-end information source.

In the Response to Arguments section of the Office Action dated June 15, 2006 the Examiner argued that Jamtgaard discloses "state based information by identifying type of device originating the request. Using an ID, that may contain a URL, name/value pair and cookie information so that the system can determine which rule to apply to the data based on the device information" at col. 6, lines 32-54. Thus, the Examiner acknowledged that Jamtgaard discloses use of an ID that contains a URL name/value pair and cookie information. None of Jamtgaard's ID that contains a URL name/value pair and cookie information in any way allows identification of a type of device originating the request. In fact Jamtgaard fails to even disclose a need to identify a type of device originating the request. Jamtgaard's invention is dependent upon knowing what protocols to convert between and what browser specification to convert to NOT dependent on state based information comprising a type of device originating the request, as recited by claims 1-6, 8-17, 23-27, 30, 56-66 and 86.

The Examiner argued In the Response to Arguments section of the Office Action dated June 15, 2006 that Allen "teaches at least one of 'a type of a

device originating a request, a hypertext history and a content provider state maintained for a back-end information source' because Allen teaches a token or cookie containing the claimed information. The token contains information on the state of the user with the user's unique ID and state as defined by applicant's specification on page 18 (Allen: col. 6; lines 10-19; col. 13, lines 63-col. 14, line 2; lines 31-35)." The Applicants respectfully disagree.

Although a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claim that are not recited in the claim. Applicants' disclosure on page 18 is irrelevant to Applicants' claims that clearly recite state information comprising at least one of a type of device originating a request, a hypertext history and a content provider state maintained for a back-end information source.

Moreover, the Examiner cites Allen at col. 6, lines 10-19; col. 13, lines 63-col. 14, line 2; lines 31-35 to disclose the recited state based information. However, a reading of Allen at col. 6, lines 13-14 discloses use of a "token [that] incorporates a representation or a digest of the user's session-state information." Allen fails to disclose state based information comprising at least one of a type of device originating a request, a hypertext history and a content provider state maintained for a back-end information source, as recited by 1-6, 8-17, 23-27, 30, 56-66 and 86.

The Examiner alleged in the Response to Arguments section of the Office Action dated June 15, 2006 that Allen's "session manager maintains a content provider state for the user to determine whether the user is permitted access to a requested source, such a web page. The state of the user's session are determined based on the identity of the user and the session-state token depicting the client's state with respect with respect to the resource. The back-end information source is the requested web page that the client seeks."

However, even if everything that the Examiner alleged that Allen discloses were correct, the Examiner has failed to show where Allen discloses reliance on state based information comprising at least one of a type of device originating a request, a hypertext history and a content provider state maintained for a back-end information source, as recited by 1-6, 8-17, 23-27, 30, 56-66 and 86.

The Examiner argued in the Response to Arguments section of the Office Action dated June 15, 2006 in response to Applicants' arguments that Jamtgaard modified by Allen is nonsensical that "It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of receiving, translating, and transforming content as taught by Jamtgaard to include a session manager as taught by Allen in order to improve scalability, speed, efficiency, reliability, and security as taught by Allen at col. 4, lines 49-57." However, Allen's solution is to the drawback of "storing session-state information" is to "not store a user's actual session-state information on any tier in a stateless network." (see Allen, col. 6, lines 8-10). Thus, Allen's solution is to NOT STORE session-state information that arrives at the recited benefits. To arrive at the benefit that the Examiner alleges, Jamtgaard would have to be modified to NOT STORE session-state information NOT be modified in the manner as proposed by the Examiner.

Moreover, the motivation that the Examiner is relying on is derived from Allen's ENTIRE DISCLOSURE not simply use of state based information comprising the claimed features. Thus, the Examiner has failed to show how simply modifying Jamtgaard with the acknowledged deficiency would result in the alleged benefit.

Moreover, Jamtgaard's invention is directed toward converting information between different information appliances having different protocols and different browser specifications (see Abstract). Jamtgaard's invention is unrelated to session management. Thus, modifying Jamtgaard with the claimed state based information, even if Allen disclosed such information, would not benefit Jamtgaard's converting information between different information appliances having different protocols and different browser specifications.

Hence, since the proposed modification or combination would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. MPEP § 2143.01, page 2100-132 (Rev. 2, May 2004) (citing In re Ratti, 123 USPQ 349 (CCPA 1959).

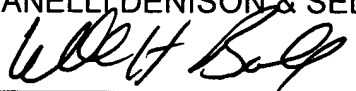
Moreover, Jamtgaard modified by Allen is **nonsensical**. Jamtgaard's invention is directed toward a translation server that includes a virtual browser for executing web content that an information appliance cannot execute (See at col. 5, lines 27-53). Allen's invention is directed toward sending tokens to a user on a client of a server. Jamtgaard's translation server is performing browser functions. Modifying Jamtgaard to send a token **to a user on a client of a server** when Jamtgaard relies on a translation server to perform browser functions is nonsensical, which the Examiner has **failed** to refute.

Accordingly, for at least all the above reasons, claims 1-6, 8-17, 23-27, 30, 56-66 and 86 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,  
MANELLI DENISON & SELTER PLLC



William H. Bollman  
Reg. No.: 36,457  
Tel. (202) 261-1020  
Fax. (202) 887-0336

### **MANELLI DENISON & SELTER PLLC**

2000 M Street, NW 7<sup>TH</sup> Floor  
Washington, DC 20036-3307  
TEL. (202) 261-1020  
FAX. (202) 887-0336